LEADS DAILY BULLETIN

November 14, 2024

Summons versus Warrant

There have been issues and concerns raised regarding the SAFE-T-Act and the distinction between a summons with a new court date because of a failure to appear (FTA) as opposed to a warrant for the same. As such, below is research conducted by the Illinois State Police Legal Office further distinguishing the differences:

> Once a subject has been issued a citation in lieu of arrest or released pretrial subject to conditions (one of which being that the defendant will appear in court on a date specified), the following provisions dictate how failure to appear will be handled by the court. In summary, so long as the court does not determine that pretrial release is no longer possible, *the court should issue a summons establishing a new court date*. **When the court issues a summons establishing a new court date, they are not to be entered into the LEADS Wanted file.** If the defendant misses a second court date or the court determines pretrial release is no longer possible and an arrest warrant is issued, **such warrants are to be entered into LEADS** directing law enforcement to take the defendant into custody.

In essence, *until a court issues a warrant for the person's arrest in response to a FTA, the defendant is not subject to arrest*. Under the Safe-T-Act, Illinois law enforcement should expect to encounter either a summons issued in response to an FTA or an arrest warrant. Only the arrest warrant allows for the defendant to be taken into custody.

If you have any questions or need help, please contact the ISP Help Desk ISP.HelpDesk@illinois.gov or at 866/LEADS-00 (866/532-3700)

Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date